

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Zurich American Insurance Company

Plaintiff,

vs.

Asphalt Paving Systems, Inc.

Defendant.

Civil Action No.:

1:22-cv-01535-CPO-MJS

**JOINT MOTION FOR EXTENSION
OF DEADLINE TO COMPLETE
DEPOSITION OF ROBERT
CAPOFERRI AND ASPHALT
30(B)(6) REPRESENTATIVE**

Plaintiff Zurich American Insurance Company (“Zurich”) and Defendant Asphalt Paving Systems, Inc. (“Asphalt”), pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 6.1, jointly move this Court to extend the deadline to complete the depositions of Robert Capoferri and Asphalt’s 30(b)(6) representative by 7 days. This is the parties’ fourth request for an extension of discovery deadlines. In support, the parties’ jointly state:

1. On June 18, 2024, the Court entered an order requiring that Mr. Capoferri be deposed in his personal capacity on July 24 and that Asphalt’s 30(b)(6) representative be deposed on July 25. (ECF Nos. 63, 64.)

2. Asphalt identified Mr. Capoferri as its 30(b)(6) representative, and the parties scheduled the July 24 and July 25 depositions in accordance with the Court’s order.

3. On Monday July 22, Counsel for Asphalt represented that Mr. Capoferri is ill with COVID-19 and unable to present for his depositions on July 24 and July 25. Mr. Capoferri is expected and assumed to recover and be available for his individual deposition on July 31 and 30(b)(6) deposition on August 1.

4. The parties therefore seek this 7-day extension of the deadline to complete the depositions of Mr. Capoferri and Asphalt's 30(b)(6) representative to accommodate Mr. Capofferi's illness.

5. This motion is made prior to the expiration of the existing discovery period. (*See* ECF No. 64.)

6. "Good cause" exists to modify the Scheduling Order because "the deadlines set forth in the scheduling order 'cannot reasonably be met despite the diligence of the party seeking the extension,'" for the reasons explained above. *Castellani v. City of Atl. City*, No. 13-5848 (RMB/AMD), 2015 U.S. Dist. LEXIS 186949, at *5 (D.N.J. Aug. 4, 2015); *see also Hall v. Cole*, No. 08-5904 (NLH/AMD), 2009 U.S. Dist. LEXIS 88635, at *7 (D.N.J. Sept. 25, 2009) (finding good cause for an extension).

WHEREFORE, the parties jointly and respectfully request the Court to enter an Order extending the deadline to complete the depositions of Mr. Capoferri and Asphalt's 30(b)(6) representative by 7 days.

JOINTLY SUBMITTED BY:

PLAINTIFF

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